

# FRANCE 2021 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

France is a multiparty constitutional democracy. Voters directly elect the president of the republic to a five-year term. President Emmanuel Macron was elected in 2017. An electoral college elects members of the bicameral parliament's upper house (Senate), and voters directly elect members of the lower house (National Assembly). Observers considered the 2017 presidential and separate National Assembly elections to have been free and fair.

Under the direction of the Ministry of the Interior, a civilian national police force and gendarmerie units maintain internal security. In conjunction with specific gendarmerie units used for military operations, the army is responsible for external security under the Ministry of Armed Forces. Civilian authorities maintained effective control over the security forces. Members of the security forces committed some abuses.

Significant human rights issues included credible reports of: violence against journalists; the existence of criminal defamation laws; violence motivated by anti-Semitism; and crimes involving violence or threats of violence targeting Muslims, migrants, members of ethnic minorities, and lesbian, gay, bisexual, transgender, queer, and intersex persons.

The government took steps to investigate, prosecute, and punish officials who committed human rights abuses or engaged in corruption. Impunity was not widespread.

**Note:** The country includes 11 overseas administrative divisions covered in this report. Five overseas territories, in French Guiana, Guadeloupe, Martinique, Mayotte, and La Reunion, have the same political status as the 13 regions and 96 departments on the mainland. Five divisions are overseas "collectivities": French Polynesia, Saint-Barthelemy, Saint-Martin, Saint-Pierre and Miquelon, and Wallis and Futuna. New Caledonia is a special overseas collectivity with a unique, semiautonomous status between that of an independent country and an overseas

department. Citizens of these territories periodically elect deputies and senators to represent them in parliament, like the mainland regions and departments.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports that the government or its agents committed arbitrary or unlawful killings. Mechanisms to investigate security force killings and pursue prosecutions include the police disciplinary body, the Inspector General of the National Police (IGPN); the gendarmerie police disciplinary body, the Inspector General of the National Gendarmerie and a separate and independent magistrate that can investigate police abuses.

In July 2020 judicial sources announced that three police officers were charged with manslaughter after the January death of a Paris delivery driver from asphyxia during his arrest by police. A fourth police officer was under investigation but had not been charged. The victim, Cedric Chouviat, was stopped by police close to the Eiffel Tower in January 2020 in a routine traffic stop. In a video acquired by investigators, Chouviat was heard saying, “I’m suffocating,” seven times in 22 seconds as police held him down, allegedly in a chokehold. In June 2020 authorities banned police use of chokeholds to restrain individuals. On June 21, the Ministry of Interior confirmed the three police officers charged had not been suspended. On July 30, the director general of the National Police finalized the ban on chokeholds and replaced their use with three different techniques aimed at allowing police to restrain resisting individuals without applying continuous or prolonged pressure on the larynx.

As of September 17, the country had experienced one terrorist attack during the year. On April 23, a Tunisian national stabbed and killed a police administrative worker as she walked into a police station in Rambouillet, a southwestern suburb of Paris. Police officers shot and killed the attacker. The national antiterror prosecutor has jurisdiction over the investigation because the assailant had previously scouted the site and shouted “Allahu Akbar” during the attack.

## **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

While the constitution and law prohibit such practices, there were several accusations that security and military personnel committed abuses.

During the year there were reports that police used excessive force during regular antigovernment demonstrations. The annual report of the inspector general of the IGPN, published on July 20, found that the number of investigations carried out by the inspectorate decreased by nearly one-quarter, compared with the same period in 2020. Less than one-half of the 1,101 investigations pertained to “willful violence” by officers, a 39 percent decrease from 2019, while 21.5 percent of the cases of alleged police use of force pertained to public demonstrations. The report noted that the complaints related to racism and discrimination increased with 38 complaints registered in 2020 compared with 21 in 2019.

On June 24, the Council of Europe’s Committee for the Prevention of Torture (CPT) released the report on its 2019 visit to the country. The report noted that, while most persons interviewed did not report any physical mistreatment by police, several persons indicated to the CPT they had been deliberately beaten by police officer at the time of their arrest or on police premises. The CPT also received allegations of insults, including of a racist or homophobic nature, as well as threats with a weapon.

On June 8, the Paris Court of Appeal ruled that discrimination was behind humiliating police identity checks carried out on three high school students of color in 2017, overturning a previous ruling. The court found the state guilty of “willful misconduct” over stop-and-frisk checks carried out in 2017 and ordered it to pay compensation of 1,500 euros (\$1,750) to each of the young men.

On September 14, eight months after the Ministry of Interior opened discussions on police reform following allegations of violence and racism, President Macron announced the creation of a mechanism to allow independent oversight of police

with a new body in parliament to assess police actions and increase transparency. Macron also stated that internal investigation reports concerning allegations of police abuse and misconduct would now be made public.

In a report released September 14, Amnesty International stated that police were responsible for abusive and illegal use of force during the “Teknival” dance party in Redon, Brittany, in June. Dozens were injured in the crackdown on the partygoers and organizers, with one participant losing his hand as police used teargas and explosive grenades to break up the event. Based on interviews with multiple witnesses, including journalists, participants, and organization heads as well as videos and other published documents, Amnesty reported it found evidence from the Redon policing operation indicating that the use of force was neither necessary nor proportionate, as is required by both the law and UN basic principles on the use of force. Two investigations were ongoing at the end of the year.

### **Prison and Detention Center Conditions**

While prisons and detention centers generally met international standards, credible nongovernmental organizations (NGOs) and government officials reported overcrowding and unhygienic conditions in prisons.

**Physical Conditions:** As of July 1, the overall occupancy rate in the country’s prisons stood at 113 percent (68,301 prisoners for 60,388 spaces), with the rate at some facilities reaching 150 percent and at one facility, 197 percent. NGOs agreed that detention conditions for women were often better than for men because overcrowding was less common. In its June 24 report, the CPT noted that, at the time of its visit in 2019, occupancy rates exceeded 200 percent in some establishments. The CPT noted it received a small number of allegations of intentional violence by staff against prisoners as well as a larger number of allegations of excessive use of force. The CPT also noted that interprisoner violence was a significant problem at some establishments (Bordeaux-Gradignon, Lille-Sequedin, and Maubeuge). In the women’s wards at Bordeaux-Gradignon and Lille-Sequedin prisons, women prisoners were offered fewer activities and work than men in the same establishments. Movements and procedures at the prisons were reportedly designed for men.

Overcrowding in prisons located in overseas territories tracked the national trends. The Ministry of Justice reported in July that the occupancy rate for all prisons in overseas territories was 122 percent and reached 172 percent at the Majicavo prison in Mayotte.

On October 4, three months after the general controller of places of detention denounced an “unacceptable” situation in the Toulouse-Seysses pretrial detention center, the Toulouse administrative court ordered the state to implement urgently 11 measures to improve the detention conditions in the center. The court justified these decisions in view of the overcrowding that required 173 inmates to sleep on mattresses on the floor, the lack of privacy in sanitary areas, numerous acts of violence, and endemic difficulties in inmates’ access to health care.

**Administration:** Authorities generally conducted investigations of credible allegations of mistreatment.

**Independent Monitoring:** The government permitted prison visits by independent human rights observers, both local and foreign. In addition to periodic visits by the Council of Europe’s Committee for the Prevention of Torture (CPT), the UN Committee against Torture regularly examined prisons. In a report released June 24 on its periodic visit in December 2019, the CPT expressed serious concern regarding material conditions of detention in police establishments, prison overcrowding, the conditions in which detained persons were transferred to and treated in hospital, and the lack of psychiatric places for persons in care without consent.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements, but lengthy pretrial detention remained a problem.

#### **Arrest Procedures and Treatment of Detainees**

The law requires police to obtain warrants based on sufficient evidence prior to detaining suspects, but police may immediately arrest suspects caught committing

an illegal act. While in police custody, a person has the right to know the legal basis and expected duration of the detention, to remain silent, to have representation by counsel, to inform someone such as a family member or friend, and to be examined by a medical professional. Defense lawyers have the right to ask questions throughout an interrogation. Authorities generally respected these rights.

The law allows authorities to detain a person up to 24 hours if police have a plausible reason to suspect such person is committing or has committed a crime. A district prosecutor has the authority to extend a detention by 24 hours. A special judge, however, has the authority to extend detention by 24-hour periods up to six days in complex cases, such as those involving drug trafficking, organized crime, and acts of terrorism. A system of bail exists, and authorities made use of it.

Detainees generally have access to a lawyer, and the government provides legal counsel to indigent detainees. The law also requires medical examiners to respect and maintain professional confidentiality. The law forbids complete strip searches except in cases where authorities suspect the accused of hiding dangerous items or drugs.

On September 21, the controller general of the national independent prison watchdog, Dominique Simonnot, sent recommendations to the Ministry of Interior aimed at improving the living conditions of those held in police custody during a health crisis after visiting police stations across France to ensure their compliance to government-mandated COVID-19 sanitary measures. Simonnot denounced poor hygienic conditions, including the practice of reusing infrequently washed mattresses and an inadequate distribution and replacement of protective masks, among other issues. In response Interior Minister Gerald Darmanin assured that authorities in most situations respected their obligation to treat those in custody with dignity, even while he recognized that some situations were unsatisfactory.

**Pretrial Detention:** Long delays in bringing cases to trial and lengthy pretrial detention were problems. Although standard practice allowed pretrial detention only in cases involving possible sentences of more than three years in prison, some suspects spent many years in detention before trial. As of July pretrial detainees made up 11 percent of the prison population.

## **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary. The government generally respected judicial independence and impartiality, although delays in bringing cases to trial were a problem. The country does not have an independent military court; the Paris Tribunal of Grand Instance (roughly equivalent to a district court) tries any military personnel alleged to have committed crimes outside the country.

### **Trial Procedures**

The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. The usual length of time between charging and trial was approximately three years. Defendants enjoy the right to a presumption of innocence, and authorities informed defendants of the charges against them at the time of arrest. Except for those involving minors, trials were public. Trials were held before a judge or tribunal of judges, except in cases where the potential punishment exceeded 10 years' imprisonment. In such cases a panel of professional and lay judges heard the case. Defendants have the right to be present and to consult with an attorney in a timely manner. Authorities provided an attorney at public expense if needed when defendants faced serious criminal charges. Defendants were able to question the testimony of prosecution witnesses and present witnesses and evidence in their defense. Authorities allowed defendants adequate time and facilities to prepare a defense. Defendants have the right to remain silent and to appeal. Defendants who do not understand French are provided with an interpreter.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

There is an independent and impartial judiciary in civil matters and access to a court to submit lawsuits seeking damages for, or cessation of, human rights violations. Individuals may file complaints with the European Court of Human Rights for alleged violations of the European Convention on Human Rights by the

government once they have exhausted avenues for appeal through the domestic courts.

### **Property Seizure and Restitution**

The country endorsed the Terezin Declaration in 2009 and the Guidelines and Best Practices in 2010. The government has laws and mechanisms in place for property restitution, and NGOs and advocacy groups reported the government made significant progress on resolution of Holocaust-era claims, including for foreign citizens. The country has restitution and reparation measures in place covering all three types of immovable property: private, communal, and heirless.

In 2014 France and the United States signed the bilateral Agreement on Compensation for Certain Victims of Holocaust-Related Deportation from France Who Are Not Covered by French Programs. The agreement provides an exclusive mechanism to compensate persons who survived deportation from France (or their spouse or other designee) but did not benefit from the pension program established by the government for French nationals or from international agreements concluded by the government to address Holocaust deportation claims. Pursuant to the agreement, the government of France transferred \$60 million to the United States, which the United States used to make payments to claimants that it determined to be eligible under the agreement.

France endorsed the 1998 Washington Principles on Nazi-confiscated Art and set up a commission to address restitution and compensation, primarily providing compensation to individual victims or their heirs. As of year's end, few artworks had been returned, in part because France had not yet passed a law permitting state museums to deaccession objects in their collections. Critics contended that restitution was haphazard and that French museums were slow or even reluctant to return Nazi-looted art.

The country's government launched an official mission in 2019 for the discovery and restitution of Nazi-looted art held in French museums. A recently dedicated office within the Ministry of Culture, the Mission for Research and Restitution of Stolen Cultural Property, employed a five-person staff and a 200,000 euro (\$230,000) annual budget to seek out the rightful owners or heirs of artworks,



including those in museums and galleries, stolen or sold under duress during the country's occupation. The office coordinated research and investigated claims submitted to the Commission for the Compensation of Victims of Spoliation (CIVS). It also mobilized museum experts, supported university-level research, and aided in the appointment of in-house specialists at art institutions. As of 2019 the Ministry of Culture did not have the final say on restitution; the authority for final decisions on restitution rests with the CIVS, which is under the Office of the Prime Minister. The separation of authority sought to address criticisms that museum officials would be reluctant to hand over valuable artwork. The Ministry of Culture office worked closely with counterparts in Germany, Austria, the Netherlands, and the United Kingdom, in addition to museums and universities. The Ministry of Culture also stated it would take a more active role in the search and restitution of stolen properties.

On March 15, Culture Minister Roselyne Bachelot announced the country would return a masterpiece by Gustav Klimt to the heirs of its owner more than 80 years after she was forced to sell it in the Nazi era. The original owner – Nora Stiasny, from an Austrian Jewish family – had to sell the painting *Rosebushes under the Trees* at a reduced price to survive financially after the Nazis annexed Austria in 1938. She was deported to Poland in 1942 and died the same year. The art dealer, a Nazi sympathizer, held onto it until his death in the 1960s, and the government, unaware of its history, eventually bought it at auction for the d'Orsay Museum in Paris in 1980.

The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress can be found on the Department's website at <https://www.state.gov/reports/just-act-report-to-congress/>.

## **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions, and there were no reports of government failure to respect these prohibitions.

The government continued implementing amendments to a 2017 law on Internal Security and Counterterrorism (SILT) that was passed following the 2015 terrorist

attacks. SILT codifies certain measures of the 2015-17 state of emergency, including search and seizures, restricting and monitoring movements of certain individuals, and closing religious sites suspected of promoting radical Islam. SILT allows specialized intelligence agencies to conduct real-time surveillance on both networks and individuals regarding a person identified as posing a terrorist threat without approval from a judge. Following passage of the amendments, the Council of State, the country's highest administrative court that ensures that the French administration operates in compliance with the law and that is advisor to both the government and the Supreme Administrative Court, issued three implementing decrees designating the agencies that may engage in such surveillance, including the agencies' use of devices to establish geolocation.

To prevent acts of terrorism, SILT permits authorities to restrict and monitor the movement of individuals, conduct administrative searches and seizures, close religious institutions for disseminating violent extremist ideas, implement enhanced security measures at public events, and expand identity checks near the country's borders. The core provisions of SILT were to expire at the end of 2020 unless renewed by parliament. In December 2020 parliament extended SILT until July.

In a July 30 decision, the Constitutional Council approved the Counterterrorism and Intelligence bill that parliament adopted July 22, declaring many "controversial" provisions constitutional. The bill aimed to make permanent some provisions of the 2017 SILT law that were set to expire July 31, including a "judicial measure for the prevention of terrorist recidivism and reintegration" applicable to the perpetrators of terrorist offenses. The council, however, struck down the two-year restriction of freedom of movement for certain convicted prisoners following release from prison, reducing the restriction to one year. According to council officials, the decision intended to reconcile "prevention of breaches of public order" with "the freedom to come and go (and) the right to respect for private and family life."

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and**

## Other Media

The constitution and law provide for freedom of expression, including for members of the press and other media, and the government generally respected these rights. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of the media.

**Freedom of Expression:** While individuals could criticize the government publicly or privately without reprisal, there were some limitations on freedom of speech. Strict antidefamation laws prohibit racially or religiously motivated verbal and physical abuse. Written or oral speech that incites racial or ethnic hatred and denies the Holocaust or crimes against humanity is illegal. Authorities may deport a noncitizen for publicly using “hate speech” or speech constituting a threat of terrorism.

In April parliament adopted the controversial Comprehensive Security bill that aimed to change the legal framework for video surveillance, police body cameras, and the use of drones by law enforcement as well as broaden the authority of municipal police forces and better regulate private security firms. On May 20, the Constitutional Council ruled unconstitutional the provision of the law that makes publication of video of on-duty police officers illegal. The subject legislation had sparked massive street protests in late 2020 due to public perceptions it would limit freedom of the press.

On July 23, parliament adopted the government’s Upholding Republican Values bill creating a new offense for online hate speech that will make it possible to quickly detain a person who spreads personal information on social media regarding public-sector employees, elected officials, journalists, or a minor with the intent to harm them. Under the law such acts are punishable by up to five years’ imprisonment and a fine of up to 75,000 euros (\$86,300). Offenses targeting other members of the population are punishable by three years’ imprisonment and a fine of up to 45,000 euros (\$51,800). The law also makes it easier for authorities to block or delist websites promoting hate speech and accelerate legal proceedings against them.

**Freedom of Expression for Members of the Press and Other Media, Including Online Media:** While independent media were active and generally expressed a wide variety of views without restriction, print and broadcast media, books, and online newspapers and journals were subject to the country's antidefamation and hate-speech laws.

The law provides protection to journalists who may be compelled to reveal sources only in cases where serious crimes occurred and access to a journalist's sources was required to complete an official investigation.

**Violence and Harassment:** In 2019 the NGO Reporters without Borders (RSF) noted growing hatred directed at reporters in the country and an "unprecedented" level of violence from both protesters and riot police directed at journalists during "yellow vest" protests in 2018 and 2019. RSF, which reported dozens of cases of police violence and excessive firing of flash-ball rounds at reporters, filed a complaint with the Paris public prosecutor's office in 2019. As of year's end, the investigations were ongoing.

In September 2020 Interior Minister Darmanin introduced a new national law-enforcement doctrine aimed at reducing injuries by law enforcement personnel during demonstrations. Certain provisions of the doctrine, including the designation of a referent officer responsible for engaging credentialed members of the press, aroused concern from human rights and press organizations, who argued the rules could be used to restrict press access. In September 2020 RSF and 40 media companies requested clarification from Interior Minister Darmanin.

In its annual report released on April 20, RSF stated that conditions at violent protests, harassment during investigations, and concentrated media ownership were detrimental to press freedom in the country. RSF also criticized the inspector general of the IGP police affairs bureau for summoning investigative journalists, which the RSF asserted could "threaten the confidentiality of a reporter's sources, which are not sufficiently protected by French legislation."

**Libel/Slander Laws:** Defamation is a criminal offense, although it does not carry the possibility of imprisonment as punishment. The law distinguishes between defamation, which consists of the accusation of a particular fact, and insult, which

does not. On September 29, the Paris Criminal Court sentenced politician Jean-Luc Melenchon, convicted of public defamation, with a 500 euro (\$575) suspended fine as well as 1,000 euros (\$1,150) in damages and 3,500 euros (\$4,025) in procedural compensation, due to Melenchon's 2016 comments on his blog calling a journalist an "unrepentant assassin."

**National Security:** The Committee to Protect Journalists raised concerns regarding police and prosecutors questioning reporters on national security grounds.

**Nongovernmental Impact:** Authorities opened an investigation for attempted murder after a news photographer working for the newspaper *L'Union*, Christian Lantenois, was attacked and seriously injured while covering a reported surge of youth violence in the northeastern city of Reims on February 27. The victim was in a serious condition after being hit on the head by a projectile and spent one month in a coma. Senior government officials condemned the assault. On March 1, police arrested a 22-year-old individual, who was charged for aggravated attempted murder and placed in pretrial detention.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

Under the law intelligence services have the power to monitor suspected threats to public order and detect future terrorists. The law also provides a legal framework for the intelligence services' activities. Laws against hate speech apply to the internet.

On June 8, the country's Data Protection Authority released its annual report. According to the report, the Central Office on the Fight against Crimes Linked to Information and Communication Technology (OCLCTIC) ordered the removal of 3,645 terrorist-related online items during 2020. Of 25,547 internet addresses users flagged to authorities, the report noted the OCLCTIC assessed 9,901 of them to be illegal, including 258 addresses related to terrorism. Most illegal content the office found related to child pornography.

## **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The constitution and law provide for the freedoms of peaceful assembly and association, subject to certain security conditions, and the government generally respected these rights.

#### **Freedom of Peaceful Assembly**

The government enacted security legislation in 2019 that gave security forces greater powers at demonstrations, including the power to search bags and cars in and around demonstrations. It also approved making it a criminal offense for protesters to conceal their faces at demonstrations, punishable by one year in prison and 15,000 euros (\$17,300) in fines.

In September 2020 government enacted legislation establishing a new doctrine for maintaining order at demonstrations that was intended to be “more protective for the demonstrators” and “reduce the number of injured during demonstrations.” Among the changes were replacing the riot control grenade model that was in service with a new model deemed less dangerous, putting in place stricter supervision of defense ball launchers, and implementing the widespread presence of a “supervisor” who assists the shooters to “assess the overall situation and the movements of the demonstrators.” In a June 10 decision, however, the Council of State cancelled some provisions of the law, such as allowing encirclement of demonstrators. The council also deemed illegal other points such as the obligation for journalists to move away in the event of a dispersal order, have accreditation to access real-time information, or wear protective equipment under certain conditions.

#### **Freedom of Association**

The constitution and law provide for the freedom of association, and the government generally respected this right.

On July 23, parliament approved the Upholding Republican Values law, which

gives authorities broad powers to monitor and close religious organizations and groups. The government dissolved several Muslim organizations accused of inciting hatred, violence, and discrimination. On October 29, Interior Minister Darmanin stated that one-third of the 89 places of worship “suspected of being radical” by authorities had been closed since November 2020. He added that six mosques, located in five different regional departments, were to be shut down and that two imams had been deported for spreading separatism. Muslim groups and others criticized the law for unfairly targeting Muslim organizations and for infringing on their freedom of association.

### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement and the Right to Leave the Country**

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The law permits the government to cancel and seize passports and identification cards of French nationals in some circumstances, such as when there are serious reasons to believe that they plan to travel abroad to join a terrorist group or engage in terrorist activities.

On January 29, Prime Minister Castex announced measures aimed at curbing the COVID 19 pandemic outbreak. As of January 31, travel in and out of the country and its overseas territories to and from non-EU countries was prohibited except in cases of “compelling reasons.” For noncitizens, return to their home country was included explicitly as a “compelling reason.” Entry of travelers into France from an EU country was contingent upon a negative PCR test result, except for cross-border workers. The government deployed police and gendarmes to enforce existing restrictions more strictly, such as the 6 p.m. curfew.

On March 19, new restrictions began at midnight to combat the third wave of COVID-19 concentrated in northern and southeast France and Paris. Schools and shops selling essential goods remained open, and individuals were allowed to

exercise outdoors. Nonessential interregional travel in the 16 departments was prohibited. A national curfew remained in place but was moved from 6 p.m. to 7 p.m.

Faced with the continued spread of the “UK” COVID variant, an increased rate of infections, and the saturation of intensive-care capacity in hospitals, President Macron announced new restrictions March 31 that extended local lockdown measures previously limited to 19 departments to all Metropolitan France starting on April 3 and lasting for at least four weeks. Macron also closed all schools for in-person learning. The national lockdown included an interregional travel ban that went into effect April 6, the closing of nonessential businesses, and mandatory telework whenever possible. The nationwide curfew from 7:00 p.m. until 6:00 a.m. remained in place.

Authorities began relaxing COVID-19 restrictions on May 3 with “deconfinement,” in which middle and high schools reopened at half capacity; domestic travel resumed; and travel certificates were no longer needed for daytime travel. Subsequent loosening of restrictions took place in three stages between May 19 and June 30, progressively reducing limits on nonessential businesses, restaurants and cafes, leisure activities, travel, curfews, and telework requirements and pushing the curfew back to 11 pm. The country reopened its borders to foreign tourists, under certain conditions. On June 16, Prime Minister Castex announced the lifting of the nationwide curfew 10 days earlier than planned due to the rapidly improving health situation and increasing vaccinations. Authorities also implemented lockdown measures and curfews in overseas territories. As of early December, authorities were assessing the emerging “Omicron” coronavirus variant but had not substantially revised the remaining restrictions on movement due to its emergence.

**In-country Movement:** The law requires persons engaged in itinerant activities with a fixed domicile to obtain a license that is renewable every four years. Itinerant persons without a fixed abode must possess travel documents.

## **e. Status and Treatment of Internally Displaced Persons**

Not applicable.



## **f. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

**Access to Asylum:** The laws provide for the granting of asylum or refugee status, and the government has a system for providing protection to refugees. The system was active and accessible to those seeking protection. The Office for the Protection of Refugees and Stateless Refugees (OFPRA) provided asylum application forms in 24 languages, including Albanian, Arabic, English, Russian, Serbo-Croatian, Tamil, and Turkish. Applicants, however, must complete them in French, generally without government-funded language assistance. Applications for asylum must be made on French territory or at a French border-crossing point. Asylum seekers outside of the country may request a special visa for the purpose of seeking asylum from a French embassy or consulate. After arrival in France, the visa holder must follow the same procedure as other asylum seekers in the country. Unlike other applicants, however, visa holders were authorized to work while their application was processed and evaluated. Asylum seekers may appeal decisions of OFPRA to the National Court on Asylum Law.

In 2018 parliament adopted a law intended to reduce the average time for processing asylum applications to six months and shorten to 90 days the period asylum seekers must have to make an application. The law includes measures to facilitate the removal of aliens in detention. It extends to 90 days the maximum duration of administrative detention and to 24 hours the duration of administrative detention to verify an individual's right to stay. The law extends the duration of residence permits for persons granted subsidiary protection and for stateless refugees to four years and enables foreigners who have not been able to register for asylum to access shelter. It includes measures to protect girls and young men exposed to the risk of sexual mutilation, states that a country persecuting lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons cannot be considered "safe" and adopts protective provisions on the right to remain for victims of domestic violence. By law unaccompanied migrant children are taken into the care of the child protection system.

OFPRA stated that priority attention was given to female victims of violence, persons persecuted based on their sexual orientation, victims of human trafficking, unaccompanied minors, and victims of torture.

The country received 41 percent fewer applications for asylum in 2020 than in 2019, according to provisional data released by the Ministry of Interior on January 21. The decline in the indicators linked to immigration marked a clear break since the 2015 migration crisis and was directly attributed to the COVID-19 outbreak and related travel restrictions that curtailed the number of migrants entering the country.

**Safe Country of Origin/Transit:** The government considered 13 countries to be “safe countries of origin” for purposes of asylum. A “safe country” is one that provides for compliance with the principles of liberty, democracy, rule of law, and fundamental human rights. This policy reduced the chances of an asylum seeker from one of these countries obtaining asylum but did not prevent it. While individuals originating in a safe country of origin may apply for asylum, they may receive only a special form of temporary protection that allows them to remain in the country. Authorities examined asylum requests through an emergency procedure that may not exceed 15 days. Countries considered “safe” included Albania, Armenia, Bosnia and Herzegovina, Cabo Verde, Georgia, India, Kosovo, Mauritius, Moldova, Mongolia, Montenegro, North Macedonia, and Serbia.

**Abuse of Migrants and Refugees:** Calais continued to be a gathering point for migrants from the Middle East and Africa trying to reach the United Kingdom. As of October, authorities estimated that 500 migrants and refugees lived around Calais, while support groups said the number was closer to 1,500 to 2,000.

In an opinion about migrants in Calais and Grande-Synthe released February 11, the National Consultative Commission on Human Rights (CNCDH) advised authorities to end the so-called “zero point of fixation” security policy, which led to instances of police abuse of asylum seekers and other migrants encamped at Calais and those who provided humanitarian assistance to them.

On September 28, police dismantled the largest migrant camp in Calais, moving some 400 persons to temporary shelters in the region. Local authorities had

provided water taps, and aid groups had been handing out meals to the estimated 500 to 800 persons who were living in the makeshift camp near the city's main hospital. The police prefecture said the camp created "serious problems" for the security, hygiene, and peace of mind for employees and patients. According to the migrant aid organization Human Rights Observers, 15 of the 883 evictions conducted in Calais since the beginning of the year led to police transferring migrants to shelters.

On September 9, the Boulogne-sur-Mer court gave a riot police officer an 18-month suspended prison sentence for assaulting a British migrant-support activist in Calais during an operation to remove migrants in 2018 and for giving false evidence. The court also barred him from serving for two years. Of the two junior police officers who lied in support of the accused man's version of events, one was given a reprimand while the other escaped disciplinary action. The rights group Amnesty International said the verdict sent a "clear signal" that such abuses would not be tolerated, after many allegations regarding police brutality towards activists and minorities.

In a report released October 7, Human Rights Watch stated police were harassing migrants in Calais, routinely tearing down their tents and forcing them to wander the streets as part of a deterrence policy. According to the report, police tactics also included regularly confiscating migrants' belongings and harassing NGOs who provide humanitarian assistance.

**Freedom of Movement:** Authorities maintained administrative holding centers for foreigners pending deportation. Authorities could hold undocumented migrants in these facilities for a maximum of 90 days, except in cases related to terrorism. There were 23 holding centers on the mainland and three in the overseas territories, with a total capacity of 2,196 persons.

On July 6, six refugee and migrant assistance associations (Association Service Social Familial Migrants, Forum-Refugies-Cosi, France Terre d'Asile, the Inter-Movement Committee for Aid of Evacuees (Cimade), Ordre de Malte, and Solidarite Mayotte) released a joint annual report that estimated 27,917 undocumented migrants were placed in administrative holding centers in 2020, representing a 50 percent decrease from 53,273 persons placed in such centers in

2019. According to the report, the government detained 2,166 children, including 2,044 in Mayotte, a French overseas department located in the Indian Ocean. The report noted the detention and the deportation of children from Mayotte's holding center were characterized by serious violations of their fundamental rights.

The exercise of an effective remedy against detention and deportation decisions in Mayotte was very limited due to the restrictive regime established by the French government for access to French nationality for children born on the island and the rapidity of evictions. Many children were detained illegally without at least one of their parents. According to the migrant assistance association's report, some families were separated during these deportations. The report noted, however, that in 80 percent of the cases, the duration of detentions did not exceed 48 hours. Since the law prohibits the separation of children from their parents, they were detained together. Civil society organizations continued to criticize the provision of the 2018 asylum and immigration bill that provides for up to 90 days' detention time for foreigners subject to deportation. In 2020 the government did not report uniformly screening migrants in Mayotte for trafficking indicators prior to their deportation. The government also did not report taking steps to address the 3,000 to 4,000 unaccompanied Comorian minors at risk for sex and labor trafficking in Mayotte by offering medical, shelter, education, or other protection services.

**Durable Solutions:** The government has provisions to manage a range of solutions for integration, resettlement, and return of migrants and unsuccessful asylum seekers. The government accepted refugees for resettlement from other countries and facilitated local integration and naturalization, particularly of refugees in protracted situations. The government assisted in the safe, voluntary return of migrants and unsuccessful asylum seekers to their home countries. In 2020, the latest year for which statistics were available, the government voluntarily repatriated 4,519 undocumented migrants to 75 different countries, including 1,374 minors, to their countries of origin, a 48.5 decrease from 2019. As of April the government offered an allowance of 650 euros (\$750) per person (adults and children) for the voluntary return of asylum seekers from countries whose citizens need a visa for France and 300 euros (\$345) per person (adults and children) for those from countries whose citizens did not need a visa for France or were citizens of Kosovo.

**Temporary Protection:** Authorities may grant individuals a one-year renewable permit and may extend the permit for an additional two years. According to OFPRA, the government did not grant temporary protection in 2020, the most recent year for which information was available.

### **g. Stateless Persons**

OFPRA reported there were 1,606 stateless persons in the country at the end of 2020. It attributed statelessness to various factors, including contradictions among differing national laws, government stripping of nationality, and lack of birth registration. As the agency responsible for the implementation of international conventions on refugees and stateless persons, OFPRA provided benefits to stateless persons. OFPRA's annual report stated that it made 298 stateless status requests in 2020 and granted stateless status to 74 persons in 2020. The government provided a one-year residence permit marked "private and family life" to persons deemed stateless that allowed them to work. After two permit renewals, stateless persons could apply for and obtain a 10-year residence permit.

The law affords persons the opportunity to gain citizenship. A person may qualify to acquire citizenship if: either of the person's parents is a citizen, the person was legally adopted by a citizen, the person was born in the country to stateless parents or to parents whose nationality does not transfer to the child, or the person married a citizen. A person who has reached the legal age of majority (18) may apply for citizenship through naturalization after five years of habitual residence in the country. Applicants for citizenship must have good knowledge of both the French language and civics.

## **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government through free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

### **Elections and Political Participation**

**Recent Elections:** Observers considered the 2017 presidential and separate parliamentary (National Assembly) elections to have been free and fair.

**Participation of Women and Members of Minority Groups:** No law limits participation of women or minority groups in the political process, and they did participate.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were isolated reports of government corruption during the year.

**Corruption:** In November 2020 former president Nicolas Sarkozy stood trial on corruption charges for trying to obtain confidential information through his lawyer from a judge. Prosecutors claimed he offered to help the judge obtain a well-paid post in Monaco in exchange for the information, leading to charges of corruption and influence peddling. On March 1, the Paris Criminal Court found Sarkozy guilty of corruption and influence-peddling in the “Wiretapping Affair.” Sarkozy, his lawyer, Thierry Herzog, and the now-retired magistrate, Gilbert Azibert, were each sentenced to three-year prison terms, with two years suspended. All three appealed the verdict.

In June 2020 the inspector general of the National Police placed six officers from a Paris unit into custody on charges of theft, drug possession, and extorting money from drug dealers. In July 2020 four of them were formally charged. The officers were part of the Security and Intervention Unit (CSI 93) in the Seine-Saint-Denis department, one of the poorest in the country. CSI 93, tasked with addressing urban violence and crime, had 17 preliminary investigations open against its officers for violations. In September 2020 the inspector general placed four other officers in custody on violence and forgery charges. On June 4, a Bobigny court sentenced two officers from the unit to a one-year suspended prison sentence and a five-year prohibition from serving in the police force over “violence,” “forgery,” and “use of forgery” charges. Two other officers received a four-month suspended prison sentence for falsifying documents related to a January 2020 arrest.

On July 17, the National Financial Prosecutor’s Office (PNF) announced that Rachida Dati, formerly minister of justice and the 2020 Republican Party candidate

for mayor of Paris, was indicted on July 22 for corruption and abuse of power. Dati was accused of receiving 900,000 euros (\$1.04 million) from Renault-Nissan from 2010 to 2012 to conduct illegal lobbying while serving as a member of the European Parliament. Dati said she would appeal the PNF's decision.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A wide variety of domestic and international human rights organizations generally operated, investigated, and published their findings on human rights cases without government restrictions. Government officials were generally cooperative and responsive to their views.

**Government Human Rights Bodies:** The CNCDH advised the government on human rights and produced an annual report on racism and xenophobia. Domestic and international human rights organizations considered the CNCDH independent and effective. Observers considered the Defender of Rights independent and effective, with access to all necessary resources.

Following spring protests against police violence and racism, the National Assembly in September 2020 established an investigative committee to assess the ethics of police actions, practices, and law and order doctrine. On January 20, the committee presented the conclusions of its report and made 35 proposals aimed at re-establishing the balance between freedom to demonstrate, security of demonstrators, and protection of public order, which is the basis of the "relationship of trust between all citizens and the police."

Following the April 14 Supreme Court ruling that the killer of Sarah Halimi, a 65-year-old Jewish woman, was unfit to stand trial because his cannabis use prior to the killing rendered him psychotic, the National Assembly on July 22 established a parliamentary commission of inquiry into the affair. The investigation will be able to summon police officers, witnesses, judges, ministers, and others to examine the case.

## Section 6. Discrimination and Societal Abuses

### Women

**Rape and Domestic Violence:** The law criminalizes rape of men or women, including spousal rape, and the government generally enforced the law effectively. The penalty for rape is 15 years' imprisonment, which may be increased. The government and NGOs provided shelters, counseling, and hotlines for rape survivors.

The law prohibits domestic violence against women and men, including spousal abuse, and the government generally enforced the law effectively. The penalty for domestic violence against either gender varies from three years to 20 years in prison and a substantial fine.

In 2019 the government's Interministerial Agency for the Protection of Women against Violence and Combatting Human Trafficking published data showing that in 2018 approximately 213,000 women older than 18 declared they were survivors of physical or sexual violence at the hands of a partner or former partner. The agency reported that over the same period, 94,000 women declared they had been survivors of rape or attempted rape.

In 2019 the National Observatory of Crime and Criminal Justice, an independent public body, and the National Institute of Statistics and Economic Studies (INSEE) published a joint study showing that the number of persons who considered themselves survivors of sexual violence committed by a person who did not live with them declined from 265,000 in 2017 to 185,000 in 2018. In 2017 there had been a sharp increase in the number of estimated victims so, despite the decline, the 2018 estimate still reflected the second-highest level of abuse since the organizations began collecting data in 2008.

In its 2020 annual report on delinquency published on January 28, the Ministry of Interior reported that domestic violence and rape cases rose by 9 and 11 percent, respectively, compared with 2019. Police and gendarmes registered 24,800 rapes committed in the country in 2020, an 11 percent increase compared with 2019 when 22,300 rapes were registered. The government sponsored and funded



programs for women survivors of gender-based violence, including shelters, counseling, hotlines, free mobile phones, and a media campaign. The government also supported the work of 25 associations and NGOs dedicated to addressing domestic violence.

In 2019 the government initiated a national forum on domestic violence that brought together dozens of ministers, judges, police officers, survivors' relatives, and feminist groups in approximately 100 conferences across the country. At the close of the conferences, then prime minister Philippe announced 46 measures aimed at preventing gender-based violence, including domestic violence. Among concrete measures announced were the creation of 1,000 new places in shelters for survivors and improved training for those who work with survivors of domestic violence. On September 3, Prime Minister Castex reported that, of the 46 measures announced in 2019, 36 had been implemented.

In July 2020 parliament adopted a bill on the protection of domestic violence survivors that authorizes doctors to waive medical confidentiality and report to police if a patient's life is in "immediate danger." The law reinforces harassment penalties and includes a 10-year prison sentence in cases where violence led to a victim's suicide. The law also makes it possible for authorities to suspend parental rights in cases of domestic violence.

Starting in September 2020, judges in five courts (Bobigny, Pontoise, Douai, Angoulême, and Aix-en-Provence) were able to order domestic violence offenders to wear electronic tracking bracelets with a monitor that alerts survivors and police if the abuser comes within a certain distance of the survivor. Judges may order trackers for men charged with assault, even if not yet convicted, provided sufficient grounds are met and the suspect accepts. If a suspect refuses a tracker, the judge may order prosecutors to open a criminal inquiry. Survivors will be given a warning device, and alleged offenders must submit to restraining orders as defined by judges.

The government estimated more than 200,000 women were survivors of marital violence each year, with many cases never reported. Official statistics showed that 102 women were killed in domestic violence cases in 2020, down from 149 in 2019. At year's end the feminist collective "Nous toutes" (All of us) estimated that

113 women were killed in cases involving domestic violence during the year.

On May 4, 31-year-old Chahinez Boutaa, a mother of three, was shot in the legs by her husband before being doused in a flammable liquid and burned alive. The attack happened in broad daylight in Merignac. Following Chahinez Boutaa's killing, the government launched an inquiry, whose conclusions pointed to serious flaws in the system, notably in the failure to monitor the perpetrator upon his release from prison. The conclusions also revealed a lack of coordination between police and judicial services. In September media outlets leaked an internal police report conducted by the inspector general of the IGP on the handling of this case. The report concluded that two high-ranking police officers, an inspector and a sergeant, should face a disciplinary hearing and possibly face other sanctions after the report revealed they had made errors of judgment in dealing with this case.

On June 9, the government announced a series of measures to offer women better protection, to include evaluating the danger posed by a perpetrator prior to any easing of sentences. The number of emergency telephones given by police to abuse victims to make calls in case of immediate danger was scheduled to be increased to 3,000 by early 2022, up from the existing 1,324. The government also announced the "reinforcement of the control and possession" of weapons and the creation of a committee to monitor the measures, as well as the introduction of a conjugal violence file, shared and updated each time the police are called in to deal with a case of conjugal violence or when a formal complaint is lodged.

On June 25, a court in Saone-et-Loire sentenced a woman who had killed her rapist husband to a four-year term with three years suspended. She was spared more prison time as she had already served a year in pretrial detention. Prosecutors told the court that the 40-year-old should not go back to prison, as she was "very clearly a victim" of her tyrannical husband.

In an August 2 interview, Interior Minister Darmanin announced new measures against domestic violence. He stated that priority would be given to the processing of complaints of domestic violence, and that an officer specializing in this type of violence would be appointed to each police station and each gendarmerie brigade across the country. To handle the increased number of court procedures (193,000 for the year 2020), Darmanin promised a recruitment drive for judicial police

officers.

On September 24, Justice Minister Eric Dupond-Moretti unveiled an experiment that uses virtual reality technology to deter men convicted of domestic violence from reoffending. The technology offers a “total immersion” experience by way of a headset that allows the offender to look at things from the point of view of his victims. Some 30 volunteers – all men who have been convicted for domestic violence – chose to participate in the experiment, which started in October and will be run for a year by three prison services. Six are from Villepinte and 12 are from Meaux, suburbs north-east of Paris, while 10 are in the south-eastern city of Lyon. “We have given priority to the profiles that are most likely to re-offend,” the Justice Ministry said of the project, which was to be independently evaluated before being made permanent.

On October 1, the 2021 European Crystal Scales of Justice prize, organized by the Council of Europe to reward innovative judicial practices within European judicial institutions, was awarded to the Ministry of Justice for its project *Simplified filing of complaints in hospitals for victims of domestic violence*. The project involved a system that allows investigating authorities to receive complaints from victims of domestic violence directly in medical facilities. The system strengthens survivor protection by providing a simplified procedure for filing a complaint at the moment and place where the violence was reported.

**Female Genital Mutilation/Cutting (FGM/C):** FGM/C was practiced in the country, particularly within diaspora communities. Various laws prohibit FGM/C and include extraterritorial jurisdiction, allowing authorities to prosecute FGM/C, which is punishable by up to 20 years in prison, even if it is committed outside the country, and up to 30 years if the FGM/C leads to the death of the victim. The government provided reconstructive surgery and counseling for FGM/C survivors.

According to the latest statistics available from the Ministry of Gender Equality and the Fight against Discrimination, between 40,000 and 60,000 FGM/C survivors resided in the country; the majority were from sub-Saharan African countries where FGM/C was prevalent, and the procedure was performed. According to the Group against Sexual Mutilation, 350 excisions were performed in the country each year. In 2019 the government initiated a national action plan to

combat FGM/C, focusing on identifying risks, preventing FGM/C, and supporting female survivors. In 2019 the National Public Health Agency estimated the number of victims of FGM/C rose from 62,000 in the early 2000s to 124,000 in the middle 2010s.

On February 6, the International Day of Zero Tolerance for Female Genital Mutilations/Cutting, Junior Minister of Gender Equality and the Fight against Discrimination Schiappa announced the allocation of 60,000 euros (\$69,000) to implement a key provision of the 2019 national action plan to eradicate FGM/C. The funds were to support initial trials of a system to study the prevalence of FGM/C in the country.

**Sexual Harassment:** The law prohibits gender-based violence, including sexual harassment of both women and men in the workplace. Sexual harassment is defined as “subjecting an individual to repeated acts, comments, or any other conduct of a sexual nature that are detrimental to a person’s dignity because of their degrading or humiliating character, thereby creating an intimidating, hostile, or offensive environment.” The government enforced the law.

The law provides for on-the-spot fines for persons who sexually harass others on the street (including wolf whistling), and substantial fines if there are aggravating circumstances. The law covers sexual or sexist comments and behavior that is degrading, humiliating, intimidating, hostile, or offensive and provides for increased sanctions for cyberstalking and prohibits taking pictures or videos under someone’s clothes without consent, which is punishable by up to one year in prison and a substantial fine. In a report released on July 6, the Ministry of Interior noted that authorities fined 3,500 men for harassing women in public spaces since the introduction of the law in 2018, including 850 during the first five months of the year.

In May 2020 the government unveiled a plan to fast-track court proceedings for street harassment and a campaign to keep women safe on the streets. The measures were part of a “cat-calling law,” which already allows for on-the-spot fines. The new provisions tighten enforcement for street harassment against women, allowing prosecutors to hear cases immediately. The plan, backed by the United Nations, allowed women who feel in danger “to know where they can find

refuge if there are no police officers at hand to take their statement.” Refuge shelters could be bars, restaurants, pharmacies, or any business willing to take part in the program. Women would be able to recognize participating locations by a label displayed outside the business. On April 15, the government launched a “barometer” program to assess the street harassment phenomenon and map “red areas” of concern.

According to the latest statistics released by the Ministry of Interior in January, reported cases of sexual harassment increased by 6 percent in 2020, with 2,270 complaints registered by police.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

On September 9, Health Minister Olivier Veran announced that contraception will be free for women up to the age of 25 beginning in 2022, extending a program under which girls ages 15 to 18 could receive free contraception. The minister stated that 25 was chosen as the age limit because “this age corresponds with more economic and social autonomy,” adding that “it’s also the age limit for coverage under one’s family health plan.”

The government provided access to sexual and reproductive health services for survivors of sexual violence. Emergency contraception was available as part of clinical management of rape.

**Discrimination:** The law prohibits gender-based job discrimination and harassment of subordinates by superiors, but this prohibition does not apply to relationships between peers. The constitution and law provide for the same legal status and rights for women as for men, including under family, religious, personal status, labor, employment, property, nationality, and inheritance laws, access to credit, and owning or managing businesses or property in line with the Women’s Global Development and Prosperity Initiative. The Ministry of Gender Equality, Diversity, the Fight against Discrimination and Equal Opportunities is responsible for protecting the legal rights of women. The constitution and law provide for equal access to professional and social positions, and the government generally enforced the laws.

There was discrimination against women with respect to employment and occupation (see section 7.d.), and women were underrepresented in most levels of government leadership.

## **Systemic Racial or Ethnic Violence and Discrimination**

The country's laws protect members of racial or ethnic minorities or groups from violence and discrimination, and the government generally enforced them effectively. The criminal code punishes the authors of violence committed against individuals, and the penalties are increased when they have been committed for racial and ethnic reasons. Discrimination law bears on everyday measures and practices. Discrimination is defined as the unequal and unfavorable treatment of an individual or group of individuals based on prohibited grounds and in a specific area defined by law such as employment, education, housing, or health care. Nearly 25 discrimination grounds are stipulated in the criminal code and associated laws, including origin, gender, physical appearance, or the economic circumstances of an individual.

On March 18, the Defender of Rights reported registering 2,162 complaints against the security forces' intervention methods in 2020. The Defender of Rights noted a 10.5 percent increase in complaints related to the "ethics of security" in 2020 compared with the previous year.

On September 5, the Ministry of Interior reported that since 2018, 636 foreigners flagged for radicalization and living illegally in the country had been deported. On September 23, Alain Regnier, the interministerial delegate overseeing the arrival and integration of refugees, told the National Assembly that difficulties making appointments for foreigners could be credited to the COVID-19 pandemic and prefecture operations rather than an intentional strategy to prevent access to appointments.

Societal violence and discrimination against immigrants of North African origin, Roma, and other ethnic minorities remained a problem. Many observers, including the Defender of Rights and the CNCDH, expressed concern that discriminatory hiring practices in both the public and private sectors deprived minorities from sub-Saharan Africa, the Maghreb, the Middle East, and Asia of equal access to

employment.

On March 18, the Ministry of Interior announced the government registered 1,461 racist and xenophobic hate crimes involving threats or violence in 2020, a 26 percent decrease from the number recorded in 2019 with 1,963 acts. The ministry reported 339 anti-Semitic acts, down 50 percent from 2019. On January 28, the French Council of the Muslim Faith (CFCM) reported it registered 235 anti-Muslim acts, up 53 percent from 2019. The Ministry of Justice reported it reviewed 6,603 cases related to racism in 2019 (compared with 6,122 in 2018) and 393 racist offenses were punished with convictions.

Government observers and NGOs, including the CFCM, reported several anti-Muslim incidents during the year, including slurs against Muslims, attacks on mosques, and physical assaults. The number of registered violent acts against Muslims increased by 14 percent in 2020. Over the same period, threats against the Muslim community increased by 79 percent, while total anti-Muslim acts increased by 53 percent, from 154 in 2019 to 235 in 2020.

On April 11, the Avicenne Muslim Cultural Center in the western city of Rennes was defaced with anti-Muslim graffiti, prompting a same-day visit by Interior Minister Darmanin and CFCM president Mohammed Moussaoui. At a press conference, Darmanin declared, “all anti-Muslim acts are offenses against the French Republic.” The Rennes’ prosecutor opened an investigation for vandalism of a religious nature.

Societal hostility against Roma, including Romani migrants from Romania and Bulgaria, continued to be a problem. There were reports of anti-Roma violence by private citizens. Romani individuals, including migrants, experienced discrimination in employment. Government data estimated there were 20,000 Roma in the country.

On July 22, the CNCDH highlighted in its annual report that intolerance of Roma remained particularly stark and had changed little since 2016. The CNCDH 2020 report showed the Romani community remained the community regarded most negatively in public opinion. The report, however, pointed out the Roma were less often taken as scapegoats by political, social, and media elites than in previous

years. Roma and unaccompanied minors were at risk for forced begging and forced theft.

Authorities continued to dismantle camps and makeshift homes inhabited by Roma. According to the Observatory for Collective Expulsions from Informal Living Places, authorities evicted persons from 1,079 places between November 2019 and the end of October 2020. Among those experiencing expulsions, 957 places were in Calais and its area and 122 in the rest of the country. Among those 122 places, 57 were targeting places occupied by persons “mainly coming from Eastern Europe, (who were) Romani or perceived as such.”

In a report released October 6, the Defender of Rights stated that “caravan travellers,” a distinct ethnic minority, were victims of systemic discrimination. The main reason for discrimination was the lack of recognition of a caravan (trailer) as a fully-fledged accommodation, according to the report. This lack of recognition prevented the exercise of rights to housing assistance, access to credit and insurance, or even obtaining custody of a child.

Citizens, asylum seekers, and migrants may report cases of discrimination based on national origin and ethnicity to the Defender of Rights. According to the most recent data available, the office received 5,196 discrimination claims in 2020, 13 percent of which concerned discrimination based on ethnic origin.

The government attempted to combat racism and discrimination through programs that promoted public awareness and brought together local officials, police, and citizens. Some public-school systems also managed antidiscrimination education programs. The Interministerial Delegation to Fight Against Racism, Anti-Semitism, and Anti-LGBT Hate, an organization reporting to the prime minister, coordinated the government’s efforts to combat racism, anti-Semitism, and homophobia.

## **Children**

**Birth Registration:** The law confers nationality to a child born to at least one parent with citizenship or to a child born in the country to stateless parents or to parents whose nationality does not transfer to the child. Parents must register births of children regardless of citizenship within three days at the local city hall.



Parents who do not register within this period are subject to legal action.

**Child Abuse:** There are laws against child abuse, including against rape, sexual assault, corruption of a minor, kidnapping, child pornography, and human trafficking, including both child sex trafficking and labor trafficking. The government actively worked to combat child abuse. Penalties were generally severe.

In 2019 the government presented a three-year plan with 22 measures to end violence against children. The measures included 400,000 euros (\$460,000) in additional funding for responses to the “child in danger” emergency hotline and strengthened implementation of background checks on persons working in contact with children. Of the 22 points, approximately one-third had been implemented before the end of 2020 and the rest were still in progress.

According to a November 2020 French Institute of Public Opinion (IFOP) poll, one in 10 persons in the country reported experiencing sexual violence during childhood. In 80 percent of the cases, the abuses were committed by family members.

On April 15, parliament adopted a bill setting the minimum age of sexual consent at 15. Under the legislation, sex with children younger than 15 is considered rape, punishable by up to 20 years in prison, unless there is a small age gap between the two partners. The bill also makes it illegal for an adult to have sex with a relative younger than age 18.

On September 21, the Independent Commission on Incest and Sexual Violence Against Children (CIIVISE) established a telephone hotline and website for childhood victims to report abuse as well as direct them to relevant legal, psychological, or medical care providers. CIIVISE could be asked to report cases to the courts for prosecution. According to CIIVISE, 160,000 children were victims of sexual violence each year in the country, and 70 percent of the lawsuits involving such violence were closed with no further action.

On September 17, a Marseille police officer assigned to the juvenile unit was indicted and imprisoned for the rape and sexual assault of a minor in the Philippines. He was also charged with possession of child pornography following

an internal investigation. The individual managed an association in the Philippines dedicated to aiding impoverished children and assisting in their adoption.

**Child, Early, and Forced Marriage:** The minimum legal age for marriage is 18. Early marriage was a problem mainly for communities from the Maghreb, Sub-Saharan Africa, and South Asia. The law provides for the prosecution of forced marriage cases, even when the marriage occurred abroad. Penalties for violations are up to three years' imprisonment and a substantial fine. Women and girls could seek refuge at shelters if their parents or guardians threatened them with forced marriage. The government offered educational programs to inform young women of their rights.

On July 23, parliament adopted the bill Upholding Republican Values, which makes it illegal for medical professionals to issue virginity certificates, as the government considered those certificates usually preceded a forced marriage. The bill also allows city hall officials to interview couples separately when there were concerns the relationship may be a forced marriage.

**Sexual Exploitation of Children:** The law criminalizes sexual exploitation of children. The minimum age of consent is 15, and sexual relations with a minor between the ages of 15 and 18 are illegal when the adult is in a position of authority over the minor. For rape of a minor younger than 15, the penalty is 20 years' imprisonment, which may be increased in the event of aggravating circumstances. Other sexual abuse of a minor younger than 15 is punishable by up to 10 years in prison and a substantial fine. The law provides that underage rape victims may file complaints up to 30 years after they turn 18.

The government enforced these laws effectively. The law also criminalizes child sex trafficking with a minimum penalty of 10 years' imprisonment and a substantial fine. The law prohibits child pornography; the maximum penalty for its use and distribution is five years' imprisonment and a substantial fine.

On July 13, the junior minister for child protection, Adrien Taquet, stated that a report by experts in education, the judiciary, law enforcement, healthcare, and child protection NGOs noted a 70 percent increase in the number of minors in commercial sex in the previous five years, based on Ministry of Interior statistics.

NGOs reported that approximately 7,000 to 10,000 minors were involved in commercial sex across the country. They were typically girls between the ages of 15 and 17 from all social classes, often vulnerable due to family situations, who were recruited via social media and did not self-identify as victims, according to the report.

On October 5, the Independent Commission on Sexual Abuse in the Church, established in 2018 by the French Catholic Church, released its report on child abuse committed by Catholic priests in the country since the 1950s following a two-and-a-half-year investigation. The report found that 216,000 minors were victims of abuse from 1950 to 2020. Deceased victims were not counted, and according to the report, the number of victims could climb to 330,000 when claims against lay members of the church, such as teachers at Catholic schools, are included. The report found that 80 percent of the victims were boys, typically between the ages of 10 and 13 and from a variety of social backgrounds. The commission president, Jean-Marc Sauve, said the abuse was systemic and the church had shown “deep, total and even cruel indifference for years.”

**Displaced Children:** By law unaccompanied migrant children are taken into the care of the country’s child protection system. NGOs continued to assess that border police summarily returned unaccompanied migrant children attempting to enter via Italy, rather than referring them to the child protection system. On May 5, Human Rights Watch (HRW) issued a statement saying French police summarily expelled dozens of unaccompanied children to Italy each month in violation of domestic and international law.

According to HRW, “To enable the returns, the police frequently record on official documents different ages or birth dates than the children declared. The authorities have also summarily returned adults, including families with young children, without telling them they had a right to seek asylum in France,” the association wrote. HRW also conducted in-person and remote interviews between November 2020 and April with volunteers and staff of aid groups, lawyers, and others working on both sides of the France-Italy border. The HRW statement noted that many of these returns took place at the border crossing between the French town of Menton and the Italian town of Ventimiglia. According to the HRW statement, “Police take children and adults found to have entered France irregularly to the

French border post at the Saint-Louis Bridge and direct them to walk across to the Italian border post.” In the first three weeks of February, volunteers recorded accounts from more than 60 unaccompanied children who said they had been pushed back from France. The staff also recorded at least 30 such accounts from children in each of the previous three months, as well as in March and April. In each case the children showed entry refusal forms on which French police wrote false birth dates. HRW said it viewed many of these forms, including for two Sudanese boys who gave their ages as 17 and 16, but whose ages French police listed as 27 and 20, respectively.

The government did not report taking steps to address the 3,000 to 4,000 unaccompanied Comorian minors who were at risk for sex and labor trafficking in the French department of Mayotte by offering them medical, shelter, education, or other protection services. Traffickers exploited the large influx of unaccompanied minors who entered the country in recent years. Roma and unaccompanied minors were at risk for forced begging and forced theft.

**International Child Abductions:** The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

To promote equality and prevent discrimination, the law prohibits the collection of data based on race, ethnicity, and religion. A 2018 report by the Berman Jewish Data Bank estimated there were 453,000 Jews in the country,

NGO and government observers reported numerous anti-Semitic incidents, including physical and verbal assaults on individuals and attacks on synagogues, cemeteries, and memorials, particularly in the Alsace-Lorraine region. The number of anti-Semitic acts decreased by 50 percent (339 acts total) in 2020, according to government statistics, while the number of violent attacks against individuals remained almost identical to 2019, with 44 violent attacks registered (45 in 2019). The lower 2020 numbers were believed to be related to COVID-19

measures that severely limited outdoor activity throughout the country in 2020.

On April 14, the Court of Cassation – the country’s court of last recourse – upheld the Paris Court of Appeals’ decision that the killer of Sarah Halimi, a 65-year-old Jewish woman, was unfit to stand trial because his cannabis consumption prior to the crime rendered him psychotic, despite the judges’ opinion the attack was anti-Semitic in character. The Court of Cassation’s decision closed the case.

According to legal sources, the killer continued under psychiatric care, where he was assigned since Halimi’s death, and would remain hospitalized until psychiatrists concluded he no longer represented a danger to himself or others. On April 25, media outlets reported that more than 20,000 persons demonstrated at Trocadero Square in Paris to “proclaim determination to continue the fight for Sarah’s memory.” Similar protests were held in several other cities across the country as well as in the United Kingdom, Italy, and Israel. Political leaders, including President Macron, criticized the court ruling and particularly the provisions in French law exposed by the case. Macron, who had previously criticized the Paris Appeals Court ruling during his January 2020 visit to Israel, reiterated his criticism in an April 19 interview in national daily newspaper *Le Figaro*. “Deciding to take narcotics and then ‘going mad’ should not, in my view, remove your criminal responsibility,” Macron told the daily. “It is not for me to comment on a court decision,” Macron said, “but I want to assure the family, relatives of the victim, and all fellow citizens of Jewish faith who were awaiting this trial, of my warm support and the determination of the Republic to protect them.”

Following the April 14 Supreme Court ruling, the National Assembly established on July 22 a parliamentary commission of inquiry into the affair. According to parliamentary sources, the investigation would be able to summon police officers, witnesses, judges, ministers, and others to examine aspects of the case.

According to statistics released by the Ministry of Armed Forces in March, the government deployed 3,000 military personnel throughout the country to patrol sensitive sites, including vulnerable Catholic, Jewish, and Muslim sites and other places of worship. This number was anticipated to go up to as many as 10,000 personnel at times of high threat. Some Jewish leaders requested the government also provide static armed guards at Jewish places of worship.

Many anti-Semitic threats of violence singled out public spaces and figures. In August 2020 a man was attacked by two persons who shouted anti-Semitic insults, stole his watch, and beat him unconscious in the hallway of his parents' apartment building in Paris. Justice Minister Dupond-Moretti tweeted, "I know the immense emotion that besets the entire Jewish community. It is the emotion of the whole nation and of course mine." Two men were charged with violent theft motivated by religious reasons and placed in pretrial detention in August 2020.

April Benayoum, a runner-up in the 2021 Miss France competition, became the subject of "a torrent" of anti-Semitic comments on social media after revealing that her father was Israeli during the televised competition in December 2020. One message read "Hitler forgot about this one." In December 2020 Interior Minister Darmanin tweeted that he was "deeply shocked" and promised law enforcement would investigate the incidents. Others, including the International League Against Racism and Anti-Semitism and the Representative Council of Jewish Institutions, also denounced the comments. The Paris Prosecutor's Office opened an investigation in December 2020. On September 22, four men and four women appeared before the Paris Criminal Court for posting anti-Semitic tweets against Benayoum and were tried for "public insults committed because of origin, ethnicity, race, or religion." Prosecutors requested suspended sentences of two months' imprisonment. On November 3, a Paris court ordered seven defendants, four women and three men, to each pay fines ranging from 300 (\$345) to 800 euros (\$920). They were also ordered to pay one euro (\$1.15) in damages to the contestant and to several associations that fight against racism and anti-Semitism that had joined the plaintiffs. Four of them were also asked to attend a two-day civic class. An eighth suspect was acquitted, with the court finding that his tweet did not target April Benayoum directly.

On April 17, authorities deported to Algeria an Algerian Deliveroo rider who was convicted of anti-Semitic discrimination by the Strasbourg Criminal Court on January 14 for refusing to transport orders of kosher food to Jewish customers on January 7. Interior Minister Darmanin stated the courier, who was illegally living in France, was expelled from the country after serving a four-month prison sentence.

On July 2, the Seine-Saint-Denis Criminal Court sentenced nine individuals to

prison for four to 12 years for the violent 2017 robbery of a Jewish family in Livry-Gargan, a northern Paris suburb. The suspects were accused of breaking into the home of Roger Pinto, the president of Siona, a group that represented Sephardic Jews, and beating Pinto's son and wife. The court confirmed the anti-Semitic nature of the robbery and issued the group's ringleader the longest sentence, 12 years in prison.

Anti-Semitic vandalism targeted Jewish sites, including Holocaust memorials and cemeteries. On August 11, local media reported that a monument to French Holocaust survivor Simone Veil in Perros-Guirec, Brittany, had been defaced three times, including with excrement and swastikas. On August 24, following a joint investigation conducted by the Gendarmerie and the Central Office for the Fight against Crimes against Humanity, two men were arrested and placed in custody. On August 26, the local prosecutor announced they were both formally charged on aggravated degradation, aggravated public insult, and incitement to hatred charges and placed under judicial control.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Persons with Disabilities**

The constitution and law protect the rights of persons with physical, sensory, intellectual, and mental disabilities, including their access to education, employment, health services, information, communications, buildings, transportation, the judicial system, and other state services. Adults with disabilities received a 904 euro (\$1,040) allowance per month from the government. The government did not always enforce these provisions effectively.

In 2019 the right to vote was restored to all protected adults after a previous law allowed judges to deny the right to vote to individuals who were assigned decision-making guardians, which mainly affected persons with disabilities. The decision restored the right to vote to 350,000 citizens.

While the law requires companies with more than 20 workers to hire persons with

disabilities, many such companies failed to do so and paid penalties.

The law requires that buildings, education, and employment be accessible to persons with disabilities. According to the latest government estimates available, 40 percent of establishments in the country were accessible. In 2015 the National Assembly extended the deadline for owners to make their buildings and facilities accessible from three to nine years. In 2016 then president Hollande announced that 500,000 public buildings across the country were undergoing major renovation to improve accessibility. The Ministry of Social Affairs and Health (now called the Ministry for Solidarity and Health) reported in 2016 that only 300,000 of one million establishments open to the public were fully accessible. Public transport was not accessible, or was only partially accessible, in Paris and Marseille, the two largest cities in the country.

According to statistics released in September by the Education Ministry, 480,000 children with disabilities attended schools in the country, a little more than 80,000 in hospitals or social health-care institutions and 400,000 in “ordinary” schools. The government did not provide detailed statistics on how many of those 400,000 children attended class full time or for only a few hours a week, or whether they had the help of assistants for children with disabilities, as required.

On September 15, UN experts from the Committee on the Rights of Persons with Disabilities called on the government to improve its policy towards persons with disabilities. The UN experts criticized the country for adopting a medical approach to those persons. Committee experts said they had been made aware of inhuman and degrading conditions of custodial measures in residential facilities, including forced medication, solitary confinement, and convulsive therapy without consent.

On November 15, the president of APF France Handicap, Pascale Ribes, told press that persons with disabilities continued to be subject to severe discrimination in accessing and maintaining employment, with some employers refusing reasonable accommodations due to financial reasons.

In 2018 the government began implementing a 400 million euro (\$460 million) four-year strategy to give autistic children access to education. The plan included increasing diagnosis and early years support for children with autism, increasing



scientific research, and training doctors, teachers, and staff.

On World Autism Awareness Day, April 2, President Macron visited a monitoring center for autistic individuals created as part of the government's "autism strategy." He announced 63 centers had been opened since the beginning of the COVID pandemic in 2020.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

Homophobic violence and hate speech decreased by 15 percent in 2020, with 1,590 acts compared with 1,870 in 2019, according to Ministry of Interior statistics released May 12. Insults constituted 31 percent of the offenses, while nonsexual physical violence made up 26 percent. Victims were mainly men (75 percent) and young persons (60 percent were younger than age 35). The ministry stressed there was significant underreporting, so the actual figures were higher.

On May 10, the Bobigny Criminal Court sentenced a 21-year-old man to four years in prison, including an 18-month suspended prison sentence, for hitting and stabbing a 31-year-old gay man in an ambush in Drancy in 2019. The court acknowledged the homophobic nature of the attack. Two other suspects, minors at the time of the attack, were due to appear before a children's judge.

On May 17, the Inter-LGBT association reported that COVID-19 lockdowns led to an increase in violence against lesbian, gay, transgender, queer, and intersex (LGBTQI+) persons within families in 2020. The group said the associations have been under increased pressure to find emergency lodgings for youth thrown out on the street because of their sexual orientation.

According to a YouGov survey of 1,028 individuals conducted between June 7 and June 14 and published on August 31, 57 percent of respondents said they would be supportive if a close family member came out as lesbian, gay, or bisexual, while one in five (19 percent) said they would not. Approximately half (47 percent) would be supportive if their relative came out as transgender or nonbinary, but one in four (27 percent) would not.

The law prohibits discrimination based on sexual orientation and gender identity in

housing, employment, nationality laws, and access to government services. Authorities pursued and punished perpetrators of violence based on sexual orientation or gender identity. The statute of limitations is 12 months for offenses related to sex, sexual orientation, or gender identity.

In October 2020 Elisabeth Moreno, the junior minister of gender equality and the fight against discrimination, unveiled a three-year national plan to combat hatred and discrimination against LGBTQI+ persons. Moreno told media the plan emphasized the importance of inclusive education in stamping out homophobia and aimed to make members of the LGBTQI+ community “citizens in their own right.” The strategy comprised 42 measures designed to tackle homophobia or transphobia in the home, school, university, work, health care, and sports, and will be “amplified” between 2020 and 2023. The plan also aimed to act against conversion therapy, which Moreno stated constituted “abject and medieval practices.”

In a September 29 circular addressed to all Education Ministry staff, Education Minister Jean-Michel Blanquer gave instructions on how to improve the welcoming of transgender children and how to fight against transphobia in schools. The circular set rules on responding to requests to change first names, wear clothing, and use private areas such as toilets and changing rooms.

Human rights organizations such as Inter-LGBT criticized the government for continuing to require transgender persons to go to court to obtain legal recognition of their gender identity.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution and labor law provide workers the right to form and join unions of their choice without previous authorization or excessive requirements. The law provides for the right to bargain collectively and allows unions to conduct their activities without interference. Workers, except those in certain essential services, such as police and the armed forces, have the right to strike unless the strike threatens public safety. The law prohibits antiunion discrimination and forbids

removing a candidate from a recruitment procedure for asking about union membership or trade union activities. The Ministry of Labor, Employment and Economic Inclusion treated such discrimination as a criminal offense and prosecuted cases of discrimination by both individuals and companies.

Public-sector workers must declare their intention to strike at least 48 hours before the strike commences. In addition, a notification of intent to strike is permissible only after negotiations between trade unions and employers have broken down. Workers are not entitled to receive pay while striking. Wages, however, may be paid retroactively. Health-care workers were required to provide a minimum level of service during strikes. In the public transportation (buses, metro) and rail sectors, the law requires the continuity of public services at minimum levels during strikes. This minimum service level is defined through collective bargaining between the employer and labor unions for each transportation system. For road transportation strikes, the law on minimum service provides for wages to be calculated proportionally to time worked while striking. Transportation users must also receive clear and reliable information on the services that would be available in the event of a disruption. Authorities effectively enforced laws and regulations, including those prohibiting retaliation against strikers. Penalties for violations were commensurate to those under other laws related to the denial of civil rights, although union representatives noted antiunion discrimination occasionally occurred, particularly in small companies.

Workers freely exercised their rights to form and join unions and choose their employee representatives, conduct union activities, and bargain collectively. Most workers' organizations stressed their independence vis-a-vis political parties. Some union leaders, however, did not conceal their political affiliations.

During the COVID-19 pandemic, firms were required to consult labor unions before implementing organizational change in the workplace, including health and safety measures related to the sanitary crisis. Unions successfully sued firms they believed did not properly consult them. The government specifically requested proposals from labor unions on how to improve health and safety measures, optimize work schedules, and leverage teleworking capabilities. Labor unions continued to be instrumental in formulating health and safety guidelines for the Ministry of Labor. The guidelines were regularly updated, most recently on June

9.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. The government effectively enforced the law, and penalties for violations were commensurate with those for other analogous serious crimes. The government also provided some financial support to some NGOs that assist victims; however, NGOs criticized the amount of funding generally provided by the government to all NGOs for victim assistance as insufficient.

Men, women, and children, mainly from Eastern Europe, West Africa, and Asia, were subjected to forced labor, including domestic servitude (also see section 7.c.). There were no government estimates of the extent of forced labor among domestic workers. Forced labor also occurred in construction, small commerce, agriculture, fishing, and livestock and seasonal migrant workers were vulnerable to forced labor in grape harvesting for wine production. In 2020 the NGO Committee against Modern Slavery assisted 222 victims of forced labor from 45 different countries, 71 percent of whom were women.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits all the worst forms of child labor. The minimum age for employment is 16, with exceptions for persons enrolled in certain apprenticeship programs or working in the entertainment industry, who are subject to further labor regulations for minors. The law generally prohibits persons younger than 18 from performing work considered arduous or dangerous, such as working with dangerous chemicals, high temperatures, heavy machinery, electrical wiring, metallurgy, dangerous animals, working at heights, or work that exposes minors to acts or representations of a pornographic or violent nature. Persons younger than 18 are prohibited from working on Sunday, except as apprentices in certain sectors, including hotels, cafes, caterers, and restaurants. Youth are prohibited from working between 8 p.m. and 6 a.m. when they are younger than 16 and between 10

p.m. and 6 a.m. when they are between 16 and 18.

The government effectively enforced labor laws and penalties were commensurate with those for analogous serious crimes, although some children were exploited in the worst forms of child labor, including child sex trafficking (also see section 6, Children) and labor trafficking through forced criminal activity. Inspectors from the Ministry of Labor investigated workplaces to enforce compliance with all labor statutes. To prohibit violations of child labor statutes, inspectors may place employers under observation or refer them for criminal prosecution. Penalties for the use of child labor were commensurate with those for other analogous serious crimes.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/> for information on the French overseas collective of Wallis and Futuna.

#### **d. Discrimination with Respect to Employment and Occupation**

The labor code prohibits discrimination based upon an individual's national origin; sex; customs; sexual orientation; gender identity; age; family situation or pregnancy; genetic characteristics; particular vulnerability resulting from an economic situation that is apparent or known to the author of the discrimination; real or perceived ethnicity, nationality, or race; political opinions; trade union or mutual association activities; religious beliefs; physical appearance; family name; place of residence or location of a person's bank; state of health; loss of autonomy or disability; and ability to express oneself in a language other than French. Authorities generally enforced this prohibition, and penalties for violations were commensurate with those under other laws related to civil rights.

Employment discrimination based on sex, gender, disability, and national origin occurred. The country's Romani community faced employment discrimination. On February 16, the Paris Court of Appeal ruled that the BNP Paribas bank had discriminated against an employee based on his Maghreb Arabic ethnic origin, awarding the plaintiff 50,000 euros (\$57,500) in damages.

A gender equality law provides measures to reinforce equality in the workplace as well as sanctions against companies whose noncompliance could prevent women

from bidding for public contracts. The law also requires employers to conduct yearly negotiations with employees on professional and pay equity between women and men in companies with more than 50 employees. The companies must publish on their company websites an estimate of salary disparities between men and women. The law requires that women receive equal pay for equal work. On June 11, the economic statistics institute INSEE released a study on the gender pay gap between 2008 and 2018, which found that in 2018 the average monthly pay for women was 2,118 euros (\$2,440), while that of men was 2,547 euros (\$2,930).

An April report on the employment and unemployment of persons with disabilities from the Fund Management Organization for the Professional Integration of People with Disabilities (AGEFIPH) showed a further decrease in the unemployment of persons with disabilities, from 8.6 percent unemployment for the general population at the end of 2019 to 7.8 percent at the end of 2020. Job seekers with disabilities were out of work for 908 days on average, compared with 673 days for the general population. They were also older, on average, than the general population: an estimated 51 percent of job seekers with disabilities were 50 or older, although they constituted just 26 percent of all job seekers. In November 2020 AGEFIPH and the polling organization IFOP presented a survey on the perspective of employers, employees, and the public on the employment of persons with disabilities. The study showed that 62 percent of employers (9 percent less than in 2018) found it easier to employ a person with disabilities, while another 67 percent (up 6 percent compared with 2018) said they were more inclined to hire someone with disabilities. The poll also indicated that those businesses supported by specialized organizations such as AGEFIPH were more likely to hire a person with disabilities (47 percent compared with only 33 percent for those who did not seek support).

The law requires at least 6 percent of the workforce in companies with more than 20 employees to be persons with disabilities. Noncompliant companies must contribute to a fund managed by AGEFIPH. The funds go to financial support for persons with disabilities seeking employment or firms employing persons with disabilities, research and analysis on disability employment issues, and support for employment retention of persons with disabilities. Approximately 51 percent of private-sector enterprises met the workforce requirement in 2018, while the

companies that did not complete the requirement contributed to a 400-million-euro (\$460 million) fund and a small number (mostly large corporations) received an exemption from the government based on a negotiated action plan, according to AGEFIPH. As of January 1, new companies had five years to comply with the 6 percent requirement, instead of the previous 3 percent. Under the government's recovery plan, companies hiring workers with disabilities on a full-time contract of at least three months between September 1 and February 28 were entitled to a yearly 4,000-euro (\$4,600) bonus.

## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The minimum wage adequately met the poverty-line income level, and employers in the formal sector generally adhered to the minimum wage.

The official workweek is 35 hours, although companies may negotiate exceptions with employees. The maximum number of working days for workers is 235 days per year. Maximum hours of work are set at 10 hours per day, 48 hours per week, and an average of 44 hours per week during a 12-week work period. Workdays and overtime hours are fixed by a convention or an agreement in each sector in accordance with the labor code. Under an executive order signed in 2017, companies with fewer than 50 employees may negotiate working conditions directly with employees without involvement of labor unions.

The law gives employees the “right to disconnect” digitally from their work. Companies with 50 or more employees must negotiate the use of digital tools with employees or their collective bargaining units and publish clear rules on “the right to disconnect” from email, text messages, and other electronic communications after working hours.

Employees are entitled to a daily rest period of at least 11 hours and a weekly break of at least 24 hours. Employers are required to give workers a 20-minute break during a six-hour workday. Premium pay of 25 percent is mandatory for overtime and work on weekends and holidays; the law grants each worker five weeks of paid leave per year for a full year of work performed. The standard amount of paid leave is five weeks per year (2.5 weekdays per month, equivalent

to 30 weekdays per year). Some companies also allowed other compensatory days for work of more than 35 hours to 39 hours per week, called “spare-time account.” Work of more than 39 hours per week was generally remunerated at a higher rate.

The Ministry of Labor enforced the law governing work conditions and performed this responsibility effectively, in both the formal and the informal economy. The government permitted salaries below the minimum wage for specific categories of employment, such as subsidized jobs and internships, which must conform to separate and clearly defined standards. The number of labor inspectors was sufficient to enforce compliance with the labor laws. Inspectors had the authority to make unannounced inspections and initiate sanctions. Disciplinary sanctions at work were strictly governed by the labor code to protect employees from abuse of power by their employers. Employees may pursue appeals in a special labor court up to the Court of Cassation (Supreme Court). Sanctions depend on the loss sustained by the victim and were usually applied on a case-by-case basis.

The government effectively enforced wage and overtime laws, and penalties for violations were commensurate with those for other similar crimes.

**Occupational Safety and Health:** The government sets occupational health and safety standards in addition to those set by the EU. Government standards covered all employees and sectors. Individual workers could report work hazards to labor inspectors, unions, or their company health committee (for companies with more than 50 employees). Workers have a right to remove themselves without fear of reprisal from a situation presenting grave and imminent danger.

Occupational safety and health laws were covered by the same inspectors and authorities as wage and hours. The government effectively enforced occupational safety and health laws. Penalties for violations depend on the status of the accused and generally were commensurate with those for other similar crimes.

Immigrants were more likely to face hazardous work, generally because of their concentration in sectors such as agriculture, seasonal employment, construction, and hospitality services. In 2020, six major industrial accidents classified as “Seveso”-type accidents involving dangerous substances occurred, up from three in 2019, according to the Industrial Risks and Pollution Analysis Office, due to the



pandemic. The report indicated that the number of major industrial accidents remained within the same range, at approximately six per year.

**Informal Sector:** The Labor Ministry's General Directorate for Labor published a report on May 12 that included inspections into the informal economy. The ministry's 1,952 labor inspectors covered 1.8 million private businesses that employed approximately 20 million persons in 2019 and 2020. According to the report, 300,000 labor inspections took place in 2019, including 24,000 in the informal economy, compared with 150,000 labor inspections in 2020, including 16,500 in the informal economy. The ministry attributed the lower number of inspections in 2020 to the COVID-19 pandemic.

In a February 2019 report, the Employment Advisory Council, which includes business and labor union representatives as well as parliamentarians and government-appointed members, estimated 5 percent of persons older than age 18 (around 2.5 million persons) worked in the informal economy, which totaled 2 to 3 percent of the total wages paid by companies nationwide.